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November 20, 2015

VIA ECF

Hon. Paul A. Engelmayer, U.S. District Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Rm. 2201
New York, NY 10007

RE: **Doe, et al. v. Anthony Annucci, et al.**
SDNY 1:14-CV-2953 (PAE)
Our File No. 14-233

Dear Judge Engelmayer:

This firm represents defendant Anthony Annucci. We write to request that the Court reinstate the terms of its August 26, 2015 Order (Dkt. 176). On October 6, 2015, this Court issued an Order that, *inter alia*, lifted the stay granted in the August 26, 2015 Order and resumed jurisdiction over Commissioner Annucci (Dkt. 191). The October 6, 2015 Order referenced the fact that the Second Circuit had “So Ordered” a Stipulation entered into between the parties withdrawing defendant Annucci’s appeal and stated:

With the appeal now withdrawn, there is no longer any basis for defendant Annucci to object to the Court’s jurisdiction over him or to request the stay of all proceedings as to him. *See* Dkt. 173. The Court therefore finds that it has jurisdiction over defendant Annucci and lifts the stay granted as to him in the Court’s August 26, 2015 order.

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The Stipulation withdrawing the appeal was pursuant to Second Circuit Rule 42.1, was without prejudice, and permitted defendant Annucci, at his discretion, to reinstate the appeal at any time prior to April 4, 2016.

We write to advise that, since this Court's October 6, 2015 Order and on October 21, 2015, defendant Annucci reinstated the appeal (a copy of October 22, 2015 Second Circuit Order based thereupon is attached). The Appellant's Brief and the Joint Appendix were also timely filed on October 21, 2015, and the appeal has thus been perfected.¹

Defendant Annucci respectfully submits that the merits and circumstances of his appeal are no different than they were when this Court originally determined that it lacked jurisdiction over defendant Annucci and stayed all proceedings as to defendant Annucci through March 3, 2016. (See Dkt. Nos. 173 and 176)

Accordingly, defendant Annucci requests that this Court reinstate the terms of its August 26, 2015 Order.

Respectfully yours,

GLEASON, DUNN, WALSH & O'SHEA

By 
MARK T. WALSH

MTW/ks

cc: **VIA ECF**

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¹ Although the withdrawal pursuant to Second Circuit Rule 42.1 operated to toll the time remaining for Appellant Annucci to file his Brief and the Joint Appendix for the period of time that the appeal was withdrawn (suspended), the Appellant nevertheless filed his Brief and the Joint Appendix by the original October 21, 2015 deadline to do so.

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of October, two thousand fifteen,

ABC,

Plaintiff - Appellee,

v.

Anthony Annucci,

Defendant - Appellant,

DEF, Joseph Lima, Simon Valerio, Milza Mercedes, Rebecca Rodriguez, Rennie Rodriguez, William Hogan, SPO Richard Rosado, Tina M. Stanford, Mr. Terrence X. Tracy, Emily Scott, James Cappiello,

Defendants.

This appeal was withdrawn subject to reinstatement upon terms agreed to by the parties.

Counsel for the Appellant Anthony Annucci has submitted a timely notice of reinstatement.

IT IS HEREBY ORDERED that the appeal is reinstated.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

